



W.P.(MD) No.22407 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22407 of 2024

Senthilkumar

.. Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Revenue Officer,
District Revenue Office,
Tenkasi, Tenkasi District.

3.The Tahsildar,
Taluk Office, Sankarankovil,
Tenkasi District.

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to remove the wrong entries in settlement “A” Register as Kanmoi inner pond (கண்மொய் உள்ளவாழ்) in Survey No.54/1 & 54/3 situated at Naduvakurichi Major Village, Sankarankovil Taluk, Tenkasi District and thereby direct the respondents to enter my name in settlement “A”



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register and to issue patta based on the petitioner's representation dated 23.08.2024.

For Petitioner :Mr.S.Muniyandi
For Respondent :Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for a Mandamus directing the respondents to remove the wrong entries in settlement “A” Register as Kanmoi inner pond (கண்மொய் உள்ளொய்) in Survey No.54/1 & 54/3 situated at Naduvakurichi Major Village, Sankarankovil Taluk, Tenkasi District and thereby direct the respondents to enter the petitioner's name in settlement “A” register and to issue patta, based on the petitioner's representation dated 23.08.2024.

2.The grievance of the petitioner is that the property comprised in S.Nos.54/1 and 54/3 situated at Naduvakurichi Major Village, Sankarankovil Taluk, Tenkasi District, stood in the name of one Palanikumar, who had executed a power of attorney in favour of one Maharasi, under a registered sale deed dated 26.02.2009. On the strength



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of the power of attorney, the said Maharasi executed a settlement deed on 17.03.009 in favour of one Kuthalam, who is none other than her father-in-law. The said Kuthalam executed a sale deed in favour of one Muniyasamy under a registered sale deed, dated 02.07.2012. The said patta and the revenue records stood in the name of Kuthalam. The petitioner would further submit that after verifying the revenue records, he purchased the said property from the said Muniyasamy, who is the purchaser of the property from Kuthalam. After the purchase, the petitioner is in possession and enjoyment of the same. The petitioner would further submit that there was a delay in getting the revenue records though he had approached the respondents to issue patta. Subsequently, during the Pandemic period, he was not able to update the revenue records. When he tried to upload his document, he was not able to upload the documents then he came to know that the third respondent had mistakenly entered the classification of the land as a Kanmoi inner pond area. Therefore, he submitted a representation on 23.08.2024 to the respondents to correct the wrong entries. However, no action has been taken. Hence, the present writ petition is filed.



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3. Heard the learned counsel on either side.

4. Considering the fact that the re-classification itself has been done without notice to the petitioner, the said reclassification is set aside directing the third respondent to consider the petitioner's representation as objections to the reclassification and after issuing notice to the petitioner and the interested parties if any, hearing them and giving them an opportunity to submit their documents and pass orders for reclassifying the land if required, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition stands allowed. No costs.

23.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes



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To

- 1.1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Special District Revenue Officer,
land Acquisition – National Highways,
Nagercoil,
Kanyakumari District.
- 3.The Special Tahsildar,
Land Acquisition – National Highways
Vilavancode Taluk,
Kuzhithurai,
Kanyakumari District-629 163



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P.T.ASHA, J.
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